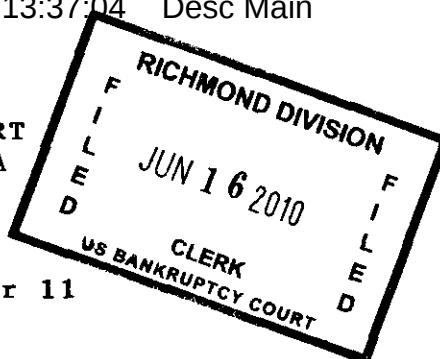


IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

In Re:) Chapter 11
CIRCUIT SCITY STORES, INC., et al.,) Case No. 08-35653-KRH
Debtors.)
)
)
)
)



MOTION TO REMOVE AUTOMATIC STAY
IN STATE CIVIL ACTION OF MCCALL v. CIRCUIT CITY STORES,
INC., et al., CASE NO. 04-CV-2240

COMES NOW, Gregory Lee McCall by special visitation, pro se and hereby respectfully moves this Honorable Court to remove the automatic stay in the civil proceedings filed in the District Court of Johnson County, Kansas under civil case no. 04-cv-2240. In support of his motion McCall states as follows:

PROCEDURAL HISTORY

The action pending in the state of Kansas arose on or about February 15, 2002, whereby employees of Circuit City Stores, Inc. (Debtors) entered the home of McCall and removed electronic appliances and other property under the guise that lawful authority existed to commit the acts alleged herein. Debtors alleged that the authority to trespass and take the property was provided by a Kansas detective. The matter before the state court was the fact that McCall resided in the state of Missouri and the home was located in Missouri. The Debtors traveled across state lines from Kansas into Missouri without first establishing a legal standing to do so.

McCall did not learn of the acts of the Debtors until well into 2004 when he filed suit seeking the recovery of his property and

compensation for the criminal trespass. The court found in favor of McCall that the Debtors were without a legal right to commit the acts alleged and after denying summary judgment for both parties it granted McCall the right to trial in order to establish liability.

Before trial could commence and settlement proceedings could be concluded, the Debtors filed a Chapter 11 bankruptcy petition with this court. McCall entered his right to be a noticed party to the proceedings and secured his claim in the state proceedings. McCall respectfully moves this Honorable Court to grant the following relief:

- a) Remove the automatic stay in Kansas civil action Case No. 04-CV-2240.
- b) Establish a reserve in the amount of \$18,000,000.00 (EIGHTEEN MILLION U.S. DOLLARS) for the exclusive benefit of McCall and from which the allowed amount of the claim of McCall 503(b)(9) claim will be paid under the Plan.
- c) Establish a reserve amount of \$1,000,000.00 for reasonable attorney fees and costs associated with the prosecution of this action against the Debtors.
- d) Any other relief the Court deems just under these premises.

WHEREFORE, McCall prays the Court will grant his motion to remove the stay in the state proceedings and associated relief it deems just and equitable in this action.

Respectfully Submitted

BY: *Gregory Lee McCall attorney*
Gregory Lee McCall®1976
Secured Party/Creditor

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing motion to remove the automatic stay pending in the state of Kansas against the Debtors was placed in the internal mail system of the F.C.C. at Forrest City, Arkansas on or about the 7th day of June, 2010, first class postage prepaid mail to the notice parties at:

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Respectfully,

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